

# Safeguarding Children Guidelines

2017



## Contents

<b>1. Purpose of these Guidelines</b>	<b>3</b>
<b>2. Definitions</b>	<b>5</b>
<b>3. Who does the SCG apply to?</b>	<b>8</b>
<b>4. Procedural Obligations of ATOs</b>	<b>9</b>
<b>5. Behavioural standards of the Safeguarding Children Guidelines</b>	<b>10</b>
5.1 Sexual misconduct	10
5.2 Positive guidance	10
5.3 Adhere to professional boundaries	10
5.4 Uniform and ID cards	11
5.5 Use of language and tone of voice	11
5.6 Supervision	12
5.7 Use of electronic communications	12
5.8 Giving gifts	13
5.9 Photographs and video recordings of children	13
5.10 Physical contact with children	14
5.11 Overnight stays and sleeping arrangements	14
5.12 Change room arrangements	15
5.13 Alcohol or drug use, possession and supply	16
5.14 Transporting children	16
<b>6. Review and Promotion</b>	<b>17</b>
<b>7. Contact</b>	<b>17</b>

# 1. Purpose of these Guidelines

Tennis Australia (**TA**) and all Australian Tennis Organisations (**ATOs**) aim to provide children with a positive tennis experience and environment that promotes their physical, social and emotional wellbeing.

We are committed to safeguarding children in our care and strive to ensure those children feel safe and are protected from harm.

We expect you to adhere to the highest possible standards with respect to safeguarding children from abuse. TA has developed these guidelines to identify and prevent behaviour which might be harmful to the children in our care.

These Safeguarding Children Guidelines (the **SCG**) have been developed to assist you to meet your obligations, specifically relating to children, under the Tennis Australia Member Protection Policy.

The SCG have been formally approved and endorsed by the Tennis Australia Board. The SCG are to be applied in conjunction with:

- (a) All applicable legislation within your respective state / territory in relation to protecting children (and, if working abroad for an ATO, all applicable laws within that jurisdiction);
- (b) The specific requirements of your role as defined in your 'position description' statement;
- (c) All relevant policy and procedure documents, including TA's:
  - (i) Member Protection Policy;
  - (ii) Code of Behaviour: Tournaments and Weekly Competitions;
  - (iii) Social Media Policy;
  - (iv) Disciplinary Policy; and
  - (v) Privacy Policy; and
- (d) General community expectations in relation to appropriate behaviour concerning children.

In signing your Member Protection Declaration, you acknowledge that you have read and understood both the Member Protection Policy and the contents of the SCG.

TA may consider a failure to observe the SCG as an offence of one of its national policies and/or by-laws. Sanctions available, to TA, an ATO or a tribunal, in such circumstances include (but are not limited to) suspension, fines, warnings, suspension of TA coach or other professional membership and/or termination of employment. In addition to any of these sanctions, TA or the ATO will (where required) report all instances in which a breach of legislation has, or may have, occurred to the police.

There may be exceptional situations where the SCG does not apply (for example, in an emergency situation). However, you are expected to seek (or make all reasonable attempts to seek) Management's authorisation prior to taking any action that contravenes the SCG or you advise Management as soon possible after any incident in which the SCG are breached.

## 2. Definitions

**If a term outlined in this clause is also defined in the Tennis Australia Member Protection Policy, that term will take its meaning from the Tennis Australia Member Protection Policy. These terms have been duplicated for ease of reference.**

**Affiliated Club** means those tennis clubs, which are a member of, or affiliated to, a Regional Association and/or a Member Association.

**Affiliated Organisation** means those organisations (other than Member Associations, Regional Associations and Affiliated Clubs) which are affiliated to Tennis Australia from time to time in accordance with its constitution.

**Australian Tennis Organisations or ATO** refer to Tennis Australia, Member Associations, Affiliated Organisations, Member Affiliated Organisations, Regional Association and Affiliated Clubs.

**Children** are any individuals under 18 years of age.

**Emotional or Psychological abuse** occurs when a person repeatedly rejects or threatens a child. Often there is a pattern of emotional or psychological abuse, rather than a single incident. Such abuse may involve humiliating, terrorising, name-calling, belittlement, inappropriate symbolic acts, taunting, sarcasm, yelling, negative criticism, placing unrealistic expectations on a child or continual coldness from the caregiver or parent, to an extent that results in significant damage to the child's physical, intellectual or emotional wellbeing and development.

**Family Violence** occurs when children are forced to live with violence between adults in their home. It can include witnessing violence or the consequences of violence. Family violence is defined as violence between members of a family or extended family or those fulfilling the role of family in a child's life. Exposure to family violence places children at an increased risk of physical injury and harm and has a significant impact on their wellbeing and development.

**Grooming** is a term used to describe what happens when a perpetrator builds a relationship with a child with a view to abuse them at some stage. Grooming does not necessarily involve any sexual activity or even discussion of sexual activity – for example, it may only involve establishing a relationship with the child, parent or carer (e.g. giving special attention, providing favours or giving gifts) for the purpose of facilitating sexual activity at a later time.

**Management** means a person appointed to / or holds a position at one of the following: Club management, Club Committee, Club Member Protection Information Officer, Member Association Member Protection Information Officer or Tennis Australia Integrity and Compliance Unit.

**Member Affiliated Organisation** means those organisations (other than Regional Associations and Affiliated Clubs) which are members of or affiliated to Member Associations and/or Affiliated Organisations (e.g. Tennis Umpires Australia Queensland Division Inc. or Tennis Seniors New South Wales Inc.).

**Member Protection Information Officer** means a person appointed in accordance with clause 5.2 of the Member Protection Policy, to act as the first point of contact for any enquiries, concerns or complaints around harassment, abuse and other inappropriate behaviour.

**Member Protection Policy or MPP** means the Member Protection Policy issued by Tennis Australia and amended from time to time.

**Neglect** is the persistent failure or deliberate denial to provide a child with the basic necessities of life (e.g. failing to give adequate food, clean water, adequate supervision, medical attention, shelter or clothing or to protect a child from danger or foreseeable risk of harm or injury).

**Personnel** has the meaning set out in clause 3 of these guidelines.

**Physical abuse** occurs when a person subjects a child to non-accidental physically aggressive acts. The abuser may inflict an injury intentionally, or inadvertently as a result of physical punishment or the aggressive treatment of a child. Physically abusive behaviour includes (but is not limited to) shoving, hitting, slapping, shaking, throwing, punching, biting, burning, kicking; giving a child alcohol or drugs; or training that exceeds the child's development or maturity.

**Regional Associations** means those regional or metropolitan tennis associations which are members of, or affiliated to, a Member Association.

**Safeguarding Children Guidelines** or the **SCG** means these safeguarding children guidelines as issued by Tennis Australia from time to time.

**Sexual abuse** occurs when adults or other children involve a child in any sexual activity. It includes both contact and non-contact behaviour, and when a child is encouraged or forced to watch or engage in a sexual activity, or any other inappropriate conduct of a sexual nature. Examples include sexual intercourse, masturbation, kissing or fondling, oral sex, making sexual comments, engaging children in sexual conversations in-person or via social media, voyeurism (i.e. observing a child in an action that is considered to be of a private

nature, such as undressing in a change room), nudity (i.e. an abuser exposing themselves or the child) touching a child's genitals or breasts, encouraging a child to view pornography including child pornography or other inappropriate touching or conversations); and exploiting a child through prostitution.

### 3. Who do the SCG apply to?

The SCG apply to anyone bound by the TA Member Protection Policy irrespective of whether they are remunerated or not, their role and their level of responsibility (hereafter referred to as **Personnel**).

For ease of reference this includes:

- (a) Administrators appointed or elected to boards of directors, executives and/or committees (including sub-committees), including office bearers such as presidents, vice-presidents, treasurers and secretaries of ATOs;
- (b) Employees, volunteers and contractors of ATOs;
- (c) Officials appointed or elected by an ATO in relation to players and/or teams which represent such organisations including team management personnel such as coaches, managers, physiotherapists etc;
- (d) Tennis coaches (including assistant coaches) who:
  - (i) Are appointed and/or employed by an ATO (whether paid or unpaid);
  - (ii) Are a Tennis Australia Coach Member; or
  - (iii) Have an agreement (whether or not in writing) with an ATO to coach tennis at a facility owned or managed by, or affiliated with that ATO;
- (e) Referees, umpires and other officials (e.g. lines persons) involved in the regulation of the game of tennis appointed by an ATO;
- (f) Tennis players who:
  - (i) Enter any tournament, competition, activity or event (including camps and training sessions) which are held or sanctioned by an ATO; or
  - (ii) Are registered with a Regional Association and/or Affiliated Club as a player and/or member of that Regional Association and/or Affiliated Club;
- (g) Any other person who is member of or affiliated to an ATO (including Life Members); and
- (h) Any other person or entity (for example a parent/guardian, spectator or sponsor) who or which agrees, in writing, (whether on a ticket, entry form or otherwise) to be bound by the SCG or the TA Member Protection Policy.

## 4. Procedural Obligations of ATOs

- 4.1 All TA Member Associations must:
- (a) Adopt and comply with the SCG;
  - (b) Recognise and enforce any penalty imposed under the Member Protection Policy, which may result from behaviour which contravenes these guidelines;
  - (c) Publish, distribute and promote the guidelines (and any amendments made to it from time to time) to their members, in the manner required by Tennis Australia and upon reasonable request make the guidelines available for inspection, or copying;
  - (d) Make amendments to any internal policies or guidelines necessary for the SCG to be implemented; and
  - (e) Ensure that its members adopt the SCG thus imposing it on its members' members (e.g. a Member Association imposes the SCG on its member clubs and the clubs in turn impose it on their individual club members).
- 4.2 Affiliated Organisations, Member Affiliated Organisations, Regional Associations and Affiliated Clubs must ensure compliance with the SCG.
- 4.3 TA, where operating outside of Australia as part of a program which is funded or part funded by the Department of Foreign Affairs and Trade (DFAT), must report to DFAT any breaches of the SGC or MPP which occur in that international environment.

## 5. Behavioural standards of the Safeguarding Children Guidelines

The SCG address the major areas where Personnel interact with children participating in tennis in Australia. TA has developed the SCG to provide clear guidance to all Personnel in relation to the treatment of children within tennis. It is designed to ensure a high level for safety to children and protect them from abuse and neglect. The SCG also supports Personnel by providing standards of care that are clear, transparent and practical.

### 5.1 Sexual misconduct

Under no circumstances is any form of 'sexual behaviour' to occur between, with or in the presence of, children while they are participating in a tennis service, program or event. Engaging in sexual behaviour while participating in or delivering tennis services, programs or events is prohibited, whether consensual or not, and even if the person involved is above the legal age of consent.

The reason for this is the relationship is formed under the circumstance of authority and there is a power imbalance. Sexual behaviour, involving one person who is in a position of authority, whether consensual or not, may be exploitative because there is a disparity in authority, maturity, status, influence and/or dependence.

'**Sexual behaviour**' must be interpreted widely, to encompass the entire range of actions that would reasonably be considered to be sexual in nature, including but not limited to:

- (a) '**Contact behaviour**' such as sexual intercourse, kissing, fondling, sexual penetration or exploiting a child through prostitution; and
- (b) '**Non-contact behaviour**' such as flirting, sexual innuendo, inappropriate text messaging, inappropriate photography or exposure to pornography or nudity.

### 5.2 Positive guidance

We require all Personnel to use strategies that are fair, respectful and appropriate to the developmental stage of the children involved. The child needs to be provided with clear directions and given an opportunity to redirect their misbehaviour in a positive manner.

Under no circumstances are Personnel to take disciplinary action involving physical punishment or any form of treatment that could reasonably be considered degrading, cruel, frightening or humiliating.

### 5.3 Adhere to professional boundaries

All Personnel should limit contact with children engaged in tennis to what is acceptable and appropriate. Acceptable and appropriate boundaries include the following:

- (a) Do not engage in activities with children who are clients or members of an

- ATO outside authorised tennis services, programs or events;
- (b) Do not provide any form of support to a child or their family, unrelated to tennis services, programs or events;
- (c) Do not seek contact with children (or former participants) outside tennis services, programs or events; and
- (d) Do not accept any invitations to attend private social functions at the request of a child who has participated or is participating in tennis services, programs or events – or at the request of their family.

If you become aware of any situation in which a child requires assistance that is beyond the confines of your role, or beyond the scope of your organisation’s usual service, you should at the earliest opportunity:

- (e) Refer the matter to an appropriate support agency (see Attachment C of the TA Member Protection Policy);
- (f) Refer the child to an appropriate support agency;
- (g) Contact the child’s parent or guardian; or
- (h) Seek advice from:
  - (i) Club management;
  - (ii) Club committee member;
  - (iii) Club Member Protection Information Officer;
  - (iv) MA Member Protection Information Officer; or
  - (v) TA Integrity and Compliance Unit.

#### **5.4 Uniform and ID cards**

Personnel should only wear their uniform, accreditation and identification card/pass/badge while involved in delivering tennis services or as required by an ATO (such as when representing an ATO at designated functions) or to and from work. This helps a child to accurately identify a person of authority who they can get assistance from in times of need.

#### **5.5 Use of language and tone of voice**

The language and tone of voice you use in the presence of children should:

- (a) Provide clear direction, boost their confidence, encourage or affirm them; and
- (b) Not be harmful to them.

Avoid language that is:

- (c) Discriminatory, racist or sexist;
- (d) Derogatory, belittling or negative, for example, by calling a child a ‘loser’ or telling them they are ‘too fat’;
- (e) Intended to threaten or frighten; or
- (f) Profane or sexual.

## 5.6 Supervision

Personnel responsible for supervising children who participate in tennis services, programs or events provided by an ATO should ensure those participants:

- (a) Positively engage in tennis services, programs or events;
- (b) Behave appropriately toward one another; and
- (c) Are in a safe environment and are protected from external threats.

Personnel are required to avoid one-to-one situations with children under their supervision and (where possible) should conduct all activities and/or discussions with participants in view of other Personnel.

## 5.7 Use of electronic communications

All Personnel are required to follow both the TA Social Media Policy and TA Participation and Online Systems Terms and Conditions.

We acknowledge the benefits new technology and communication media can offer to ATOs and Personnel. For example, being able to use programs and apps both on- and offline to manage scheduling, teams and competitions.

These new technologies also present a fundamental risk to child safety, particularly where electronic messaging platforms can be used to groom or make inappropriate and unsupervised contact with children. Accordingly, Personnel should at all times adhere to the SCG when using electronic communication.

Wherever possible, emails and text messages sent to a child should be copied to their parent or guardian.

Where a parent is not included in the communication:

- (a) Restrict such communication to issues directly associated with delivering our tennis services, programs or events, such as advising that a scheduled event is cancelled;
- (b) Limit the personal or social content in such communications to what is required to convey the service-related message in a polite, friendly manner. In particular, do not communicate anything that a reasonable observer could view as being of a sexual nature;
- (c) Do not use such communication to promote unauthorised 'social' activity or to arrange unauthorised contact;
- (d) Do not request a child to keep a communication secret from their parents; and
- (e) Do not communicate with children using Internet chat rooms or similar forums such as social networking sites, game sites or instant messaging from personal profiles or accounts.

Personnel are required to ensure appropriate monitoring of children when they use an ATO's electronic communication equipment to ensure they do not inadvertently place themselves at risk of abuse or exploitation via social networking sites, gaming sites or through web searches, or inappropriate email communication.

## **5.8 Giving gifts**

We prohibit Personnel from giving gifts to children to whom they provide a service, except when the value of the gift does not exceed \$25 and the child's parent/s or guardian(s) have been made aware of the gift and consented to it being given.

## **5.9 Photographs and video recordings of children**

**Personnel are reminded that at all times they must act in accordance with any applicable laws or regulations within their state or territory relating to the capture, storage and dissemination of photographs or video recording of children.**

As such, the following guidelines apply:

- (a) Personnel may only photograph children to whom they provide services to:
  - (i) When the child is participating in tennis services, programs or events
  - (ii) And only if:
    - (1) The child's parent/guardian has granted prior and specific approval
    - (2) The context is directly related to participation in the tennis service, program or events;
    - (3) The child is appropriately dressed and posed; and
    - (4) The image is taken in the presence of other Personnel;
- (a) Images are not to be distributed (including as an attachment to an email) to anyone outside the Personnel's ATO other than the child photographed or their parent, without management knowledge and approval;
- (b) Images (digital or hard copy) are to be stored in a manner that prevents unauthorised access by others, for example:
  - (i) If in hard-copy form, in a locked drawer or cabinet; or
  - (ii) If in electronic form, in a 'password protected' folder;
- (c) Images (digital or hard copy) are to be destroyed or deleted as soon as they are no longer required; and
- (d) Images are not to be exhibited on a website or social media platform without parental knowledge and approval or such images must be presented in a manner that de-identifies the child. Any caption or accompanying text may need to be checked so that it does not identify a child if such identification is potentially detrimental.

For the avoidance of doubt, clause 5.9 does not prohibit parents from taking photos or videos of their own child.

## 5.10 Physical contact with children

Any physical contact with children must be appropriate in the context of delivering tennis services, programs or events and based on the needs of the child rather than the needs of Personnel.

This section does not apply to medically trained Personnel acting in the course of their duties and delivering medical or health services to children as and when required. Under no circumstances should any Personnel have contact with children participating in tennis services, programs or events that:

- (a) Involves touching of:
  - (i) Genitals;
  - (ii) Buttocks; or
  - (iii) Breast area;
- (b) Would appear to a reasonable observer to have a sexual connotation;
- (c) Is intended to cause pain or distress to the child – for example corporal punishment;
- (d) Is overly physical – for example, wrestling, horseplay, tickling or other roughhousing;
- (e) Is unnecessary – for example, assisting with toileting when a child does not require assistance; or
- (f) Is initiated against the wishes of the child, except if such contact may be necessary to prevent injury to the child or to others, in which case:
  - (i) Physical restraint should be a last resort;
  - (ii) The level of force used must be appropriate to the specific circumstances, and aimed solely at restraining the child to prevent harm to themselves or others;
  - (iii) The incident must be reported to Management as soon as possible.

Personnel are also required to report to the Member Protection Information Officer any physical contact initiated by a child that is sexual and/or inappropriate (eg. acts of physical aggression) as soon as possible, to enable the situation to be managed in the interests of the safety of the child, Personnel and any other participants.

## 5.11 Overnight stays and sleeping arrangements

Overnight stays are to occur only with the written authorisation of the parents/guardians of the children attending. Additionally, prior written authorisation must be sought from one of the following:

- (a) Tennis Australia Executive Member or nominee (ie High Performance Manager);
- (b) Member Association Chief Executive Officer or nominee;
- (c) Affiliated Club's Committee; or
- (d) Tennis Australia Coach Member with parental consent.

Practices and behaviour by Personnel during an overnight stay must be consistent with the practices and behaviour expected during delivery of an ATO tennis services, programs or events at other times.

Standards of conduct that must be observed by our Personnel during an overnight stay include:

- (e) Provide children with privacy when bathing and dressing;
- (f) Observe appropriate dress standards when children are present;
- (g) Do not allow children to be exposed to pornographic material, which may include, movies, television, internet, magazines or any other form;
- (h) Do not leave children under the supervision or protection of unauthorised persons such as hotel staff or friends;
- (i) Do not allow sleeping arrangements that may compromise the safety of children such as unsupervised sleeping arrangements, or an adult sleeping in the same bed or room as a child; and
- (j) Provide children with the ability to contact their parents, or others, if they feel unsafe, uncomfortable or distressed during the stay and take immediate steps to address any risks identified by the child.

It is the responsibility of the Personnel organising the overnight stay to ensure that:

- (k) Children only share hotel rooms or bedrooms with children of the same gender;
- (l) Children who are transgender are consulted on their choice of sleeping arrangements; and
- (m) There are adequate chaperones present; and any chaperones have been adequately screened, briefed and trained. Examples of an adequate chaperone ratio are:
  - (i) **16/u:** One chaperone to four children; or
  - (ii) **Over 16:** One chaperone to six children.

## 5.12 Change room arrangements

Personnel are required to supervise children in change rooms while balancing that requirement with a child's right to privacy. Personnel need to use their discretion based on the age, developmental stage and needs of the child. In addition:

- (a) Personnel should avoid one-to-one situations with a child in a change room area;
- (b) Personnel are not permitted to dress or undress in the change room area while children (other than their own) are present;
- (c) Personnel need to ensure adequate supervision in 'public' change rooms when they are used;
- (d) Personnel need to provide the level of supervision required for preventing abuse by members of the public, adult service users, peer service users, or general misbehaviour, while also respecting a child's privacy;

- (e) Female Personnel are not to enter male change rooms and male Personnel are not to enter female change rooms; and
- (f) Personnel should ensure that no photography of children occurs in a change room.

### **5.13 Alcohol or drug use, possession and supply**

While on duty, Personnel must not:

- (a) Use, possess or be under the influence of an illegal drug;
- (b) Use or be under the influence of alcohol;
- (c) Be incapacitated by any other legal drug such as prescription or over-the-counter drugs; or
- (d) Supply alcohol or drugs (including tobacco) to children participating in our tennis services, programs or events.

Use of legal drugs other than alcohol by Personnel is permitted, provided such use does not interfere with your ability to care for children involved in our service.

### **5.14 Transporting children**

Children are only to be transported in circumstances that are directly related to the delivery of tennis services, programs or events. Children are only to be transported with prior written authorisation from the child's parent/guardian and one of the following:

- (a) Tennis Australia Executive Member or nominee (ie High Performance Manager);
- (b) Member Association Chief Executive Officer or nominee;
- (c) Affiliated Club's Committee; or
- (d) Tennis Australia Coach Member with parental consent.

To obtain approval Personnel should provide information about the proposed journey, including:

- (e) The mode of transport proposed, such as private car, taxi, self-drive bus, bus with driver, train, plane or boat;
- (f) The reason for the journey;
- (g) The route to be followed, including any stops or side trips;
- (h) Details of anyone who will be present during the journey other than Personnel who are involved in delivering our tennis services, programs or events; and Insurance information and proof the driver is fully licensed for the vehicle which will be used.

## **6. Review and Promotion**

- 6.1** The SCG will be reviewed on a regular basis. In addition to this regular review, recommendations for changes to the SCG can be submitted to the Tennis Australia Integrity Unit for consideration. If any changes are implemented, the SCG will be updated via the Tennis Australia website as appropriate.
- 6.2** The SCG will be made available to the general public on the Tennis Australia website, and will be communicated to all Board and staff members of Tennis Australia and all ATOs.

## **7. Contact**

- 7.1** If you have any enquiries in relation to the SCG or the MPP please contact the Tennis Australia Integrity and Compliance Unit at [integrity@tennis.com.au](mailto:integrity@tennis.com.au).